

FORM 33. Response to Notice of Oral Argument

Form 33
March 2023**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****RESPONSE TO NOTICE OF ORAL ARGUMENT****Case Number:** 2022-1620**Short Case Caption:** Acceleron, LLC v. Dell, Inc.**Filing Party:** Dell, Inc.

Instructions. No more than two counsel may argue per side, and no more than one counsel may argue on behalf of each party or on behalf of parties represented by the same counsel or by counsel from the same firm. Fed. Cir. R. 34(e)(2). Each arguing counsel must complete and submit a separate Form 33, but counsel arguing on behalf of parties represented by other counsel should only submit one Form 33 and list all parties below. Parties represented by distinct counsel may elect to have one counsel represent their collective interests at argument, and no amended entry of appearance is required.

Parties intending to waive argument should check the waiver box below; parties not waiving argument should complete the remainder of the form. Argument time must be identified in whole minutes. Rebuttal time is only allowed for Appellants and Cross-Appellants. Unless otherwise ordered, cases must not exceed 15 minutes per side, including any rebuttal time.

Oral Argument Waiver	<input type="checkbox"/> The above party intends to waive oral argument.			
Accommodation Need	<input type="checkbox"/> Arguing counsel requires an accommodation .			
Arguing Counsel Name (Include Mr., Ms., Dr., etc.)	Mark C. Fleming			
Parties I am representing at argument (if different from filing parties; attach additional page if needed)	Dell, Inc.			
Phone: (617) 526-6909	Main Argument Mins.:	15	Rebuttal Mins.:	0
<input type="checkbox"/> I am dividing time with another counsel (counsel must file separate Responses).				

I acknowledge that (1) oral argument is scheduled as stated in the court's notice and may proceed even if I waive argument, *see* Fed. R. App. P. 34(e)–(f); (2) arguing counsel can only change through filing an amended version of this form; and (3) counsel who have not entered appearances in the case and are not listed on this form cannot present oral argument.

Date: 06/05/2023Signature: /s/ Mark C. FlemingName: Mark C. Fleming